THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:22983 of 2006

DATED:09-07-2007

BETWEEN:

Chanumolu Venkateswararao.

..... PETITIONER

AND

The Inspector of Police,
I Town Police Station,
Vijayawada,
Krishna District & 5 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner and the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the respondents 1 to 3 in conducting investigation in Cr.No.314 of 2006 on the file of the 1st respondent police station, as illegal and arbitrary.

3. It is stated that Cr.No.314 of 2006 was already investigated and after making re-investigation by the 2nd respondent-Assistant Commissioner of Police, Vijayawada, final report has been filed by the 1st respondent after obtaining necessary permission from the Assistant Commissioner of Police, West Zone, Vijayawada to refer the case as 'false'. It is further stated that final report, dated 16-06-2007, was filed after issuing notice to the complainant before the III Additional Chief Metropolitan Magistrate, Vijayawada.

4. In view of the aforesaid final report, I am of the opinion that it is for the concerned Court to consider and pass appropriate orders under Section 159 Cr.P.C. and it is open for the petitioner either to file a contest application or take any appropriate action in accordance with the provisions of the Code of Criminal Procedure if he is aggrieved by the said manner and method of investigation,

and the genuineness of the contents of the final report.

5. Accordingly, Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

09th July, 2007.
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